1941 **File No.** O. Vill. Sanitation/41

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Legal **DEPARTMENT**

A **BRANCH**

Subject:—

Village Sanitation Act, 1889.
Opinions under the —

D-1

File No. O. Vill. Sanitation/41

Std. Sectt. Slip 24 B e.

255-A.

CONTENTS.

Legal Department File No.O.Vill. Sanitation 1941.

Sr. No.	Compilation No.	Subject	Pages
		Opinions under the Village Sanitation Act, 1889.	
1.	O.No. 3115 5-4-41.	Question whether Govt.can recover the arrears of the Sanitation 'falo' due to the Thasra defunct Sanitary committee.	

17.4

Office of the R.L.A.

Attention is invited to the Remembrancer of Legal Affairs' opinion No. 6530, dated the 13th November 1935. As pointed out in that opinion, under the general law when a corporation is dissolved its personal property vests in the Crown as bona vacantia (Vide Halsbury's Laws of England, 2n Edition, Volume 8, page 124). but this will not apply to statutory rights and powers and these will not be transferred to the Crown unless expressly provided by statute (In re. Working Urban Council (Basingstoke Canal) Act, 1911, (1914) 1ch. 300). The Bombay Village Sanitation Act, 1889, does not provide for powers of the Crown to recover the arrears of taxes of a defunct sanitary commitee. It would not therefore be competent for Government to ~~sevee~~ recover the arrears of the sanitary 'falo' due to the Thasra defunct Sanitary Committee. The personal property of the defunct Sanitary Committee seems to amount to Rs. 347 while its liabilities amount to Rs. 847 The rights of creditors of the Sanitary Committee would be impaired or destroyed to that extent (see Aiyangar's Municipal Corporations, page 20), and Government would not be liable to pay the deficit. The view taken in General Department office note at page 7 ante is correct.

2. Steps ought to be taken to amend section 30G of the Bombay Village Sanitation Act, 1889.

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4-4

Remembrancer of Legal Affairs.

U.R.to G.D., No. 3115, dated the 5th April 1941.

S.A.K.